

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19683 of 2004

Between:

C. Chandra Sekhar, S/o. C. Akkulappa,
Jakkasamudram Village, Gorantla Mandal, Anantapur District.

..... PETITIONER

AND

- 1 The Mandal Revenue Officer, Gorantla Mandal, Anantapur District.
- 2 The Revenue Divisional Officer, Penukonda, Anantapur District.
- 3 The Joint Collector (Civil Supplies), Anantapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings i.e. Rc.No. 1538/04E, dt. 11-10-2004 passed by the 2nd respondent and consequently, proceedings issued by the 3rd respondent in Rc.No. K4/1226/2004, dt. 19-10-2004 is arbitrary, illegal and violation of Andhra Pradesh Public Distribution System (Control) Order-2001 consequently direct the respondents to restore the authorisation of petitioner's FP Shop Dealership of Jakkasamudram Village, Gorantla Mandal, Ananthapur District.

Counsel for the Petitioner: MR.J.SREENIVASULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner is the authorised dealer of the Fair Price Shop of Jakkasamudram Village, Gorantla Mandal, Anantapur District.

The authorisation of the petitioner was suspended by the second respondent-Revenue Divisional Officer, Penukonda, Anantapur District by proceedings dated 11-10-2004 pending enquiry into the alleged irregularities in distribution of the essential commodities. Against the said order, the petitioner preferred an appeal before the third respondent-Joint Collector, Anantapur District. The third respondent, having entertained the appeal by order dated 19-10-2004, rejected the application for stay and called for the records from the second respondent. In the circumstances, this writ petition is filed challenging the order of suspension dated 11-10-2004.

Though the learned Counsel for the petitioner raised various contentions assailing the impugned order of suspension, since the statutory appeal against the said order is pending before the third respondent, I am not inclined to express any opinion as to the correctness of the allegations made against the petitioner or with regard to the validity of the order of suspension. It is open to the petitioner to urge all the points before the third respondent. Even the order dated 19-10-2004 being only an interim order pending statutory appeal, the interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India is not warranted.

However, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

Accordingly, the writ petition is disposed of. No costs.

28-10-2004

kdl

To

- 1 The Mandal Revenue Officer, Gorantla Mandal, Anantapur District.
- 2 The Revenue Divisional Officer, Penukonda, Anantapur District.
- 3 The Joint Collector (Civil Supplies), Anantapur District.
- 4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).
- 5 Two C.D. Copies.